

CAUSE NO. \_\_\_\_\_

**Scwyana Smith**  
**Plaintiff,**

Harris County District Court

§

§

**V.**

§

Harris County

**Precinct 4**

§

**Harris County Judge Hidalgo**

§

**DEFENDANT**

§

**PLAINTIFF'S ORIGINAL PETITION,  
TRO RENTRY AND LAWSUIT**

1. Plaintiff is **Scwyana Smith** ("Smith") who is located at 19510 Buckland Park, Katy Texas 77449

**PARTY**

2. Defendant, Harris County Judge Hidalgo County Judge over Harris County Precinct 4 1001 Preston St, Houston Texas 77002, THIS LAWSUIT IS BEING SERVED ON JUDGE HIDALGO AS NO ONE KNOWS WHO HAS JURISDICTON OVER THIS ACT

**NEED FOR INJUNCTIVE RELIEF**

**THIS LAWSUIT IS FILED, AND INJUNCTIVE RELIEF IS SOUGHT TO PREVENT ANY MORE HARM AGAINST SCWYANA SMITH FROM PRECINCT 4 AND REENTRY TO HER PROPERTY WHO LIVES IN PRECINCT FIVE This party can be served by attorney Jerry Schutza 815 Walker Street, Ste 1453, Houston Texas 77002**

**DISCOVERY CONTROL PLAN LEVEL**

3. Pursuant to Rule 190.1 of the Texas Rules of Civil Procedure, Plaintiff intends to conduct discovery in this case under Level 3.

**JURISDICTION & VENUE**

4. Venue is proper in Harris County, Texas because all, or substantially all, of the acts and omissions giving rise to this claim occurred within Harris County, Texas. Venue is also mandatory in Harris County, Texas because this case involves an attempt to prevent a wrongful foreclosure of real estate located wholly within Harris County, Texas. Jurisdiction is proper in Texas because the defendants are entities or individuals who reside in Texas.

#### **BACKGROUND FACTS**

1. **PLAINTIFF HAS BEEN LOCKED OUT OF HER HOME VIA NON-JURISDICTION OF LAW AS BY ANKUS LLC LOCK OUT/ CALLING HOMEOWNER A TENANT WHO HAS NO LAWSUIT FILED FOR EVICTIONS OR AS A TEXAS LANDLORD/TENANT. ONLY TENANT LANDLORD LAWSUIT WAS DISMISSED 09/21/2021 JUDGE WILLIAMS OFFICE APPEAL COURT PCT 5**
2. **NOTICE TO TENANT, EX 1**
3. **TEXAS EVICTION LAWS INCLUDING,**
4. **PCT 4 CONSTABLE LOG SHOWS ON MY PROPERTY ILLEGALLY PCT 4**
5. **THEY WOULD SAY THEY WERE ACTING IN ACCORDANCE TO THE JUDGE COLLIER AND MUST SERVE THE ORDER. AS A MATTER OF LAW**
6. **THIS HAPPEN TO ANOTHER HOMEOWNER AND THE CONSTABLE LEFT AFTER HE LEARNED IT WAS A HOMEOWNER AND NOT A TENANT/RENTER. I HOPE THIS CONTABLE IS REWARDED FOR FOLLOW THE PROCEDURES KNOWING THEY CANNOT EVICT HOMEOWNERS WITH HOMESTEAD RIGHTS. AS A MATTER OF LAW**

7. I LOVE MY POLICE OFFICER AND MY JUDGES, BUT THIS IS NOT WHAT I HAVE EXPERIENCE OF THE LAST 35 YEARS I HAVE LIVED IN HARRIS COUNTY.

NEW EVIDENCE TO ALLOW PLAINTIFF BACK IN HER HOME

8. ON 10/07/2022 SMITH MET WITH COMMISSIONER JACK CAGEL OFFICE ATTORNEY BEN HENDERSON, WHO AGREED THE HOA WAS FAKE AND PCT 4 SHOULD NOT HAVE BEEN ON SMITH PROPERTY AS A MATTER OF LAW
9. ON 10/16/2022 SMITH AFTER THE MEETING WITH COMMISSIONER JACK CAGEL, OFFICE ATTORNEY BEN HENDERSON SMITH FILED WITH PCT 4 TO REMOVE THE LOCKS FROM SMITH HOME. PCT 4 JUDGE STATED HE DID NOT HAVE JURISDICTION TO REMOVE ANY LOCKS FROM SMITH HOME AS SMITH DOES NOT LIVE IN HIS PRECINCT THIS IS A VIOLATION OF SMITH CONSTITUTIONAL AND CIVIL RIGHTS.
10. THE CLERK FOR PRECINCT 4 CALLED IT AN EGREGIOUS ACT
11. ON 10/17/2022 SMITH APPEARED AT PCT 5 ONCE AGAIN WAS TURNED AWAY AS PCT 5 JUDGE GARCIA STATED HE DID NOT HAVE JURISDICTION OVER PCT 4.
12. I ASKED WHO DID AS THIS PARTY FILED AS A LANDLORD/RENTER MAKING ME A TENANT, WITHOUT A LEASE IN WRITING
13. I LEARNED NO PCT JUDGE HAS JURISDICTION AFTER REVIEWING THE EVIDENCE IT IS A CRIME AND ONLY PERSON WHO HAS JURISDICTION IS THE DISTRICT ATTORNEY OFFICE WHO I AM IN CONTACT WITH AT THIS TIME
14. MY TRO IS TO THE JUSTICE AS I HAVE BEEN DEPRIVED OF MY PROPERTY UNDER SEARCH AND SEIZURE BY AN ILLEGAL LOCKOUT, AND A PERSON WHO IS NOT A TENANT/LANDLORD FILED IN THE WRONG COURT.

15. JUDGE COLLIER KNEW SHE DID NOT HAVE JURISDICTION OVER LANDLORDS AND TENANT. EX 3 JUDGE TAMPER WITH PETITION AFTER PCT 4 LEFT MY HOME WITH EVIDENCE. THE JUDGE CHANGE THE PETITION THIS WAS TURNED INTO THE 14 COURT OF APPEAL WITH A STAMP ON THE DOCUMENT AND EFILE NUMBER THAT WAS NOT THERE ON 01/03/2022. EXPLAIN HOW ONE DOCUMENT AFTER THE JUDGE SIGNED IT 12/30/2022 I CERTIFIED IT 01/06/2022. THE DOCUMENT .
16. I WENT TO JUDGE HIDALGO BEFORE THIS EGREGIOUS ACT TO VIOLATE MY CONSTITUTIONAL RIGHTS. I WAS TOLD BY COMMISSIONER RODNEY ELLIS GO TO THE ATTORNEYS TO THE ATTORNEY OF HARRIS COUNTY, WHO SAID HE HAD NO IDEA WHERE THE JUDGE HEAD WAS AS THEY ALLOWED MY HOMESTEAD RIGHTS, JURISDICTION AS THE ATTORNEY KNEW PCT 4 SHOULD NOT HAVE BEEN ON MY PROPERTY. I REACHED OUT TO THE ATTORNEY AFTER THIS HAPPEN. HIS COMMENT YOU DID IT NOW. KNOWING I LIVE IN PCT5 AND PCT 4 DID NOT HAVE JURISDICTION
17. THE CERTIFIED DOCUMENT SHOWS THERE WAS NO EFILE NUMBER OR STAMP ON THE DOCUMENT CERTIFIED JAN 03, 2022
18. I SPOKE TO THE COURT CLERK ON 10/31/2022 AND THE POST JUDGMENT DEPARTMENT WHO SAID THEY DO NOT HAVE JURISDICTION OVER LANDLORD AND TENANT ISSUE ONLY OVER PROPERTY TITLE.
19. THE WRIT WAS ILLEGAL I HAVE MY TITLE ACCORDING TO PROPERTY CODE 4 AND TEXAS THERE IS NO EJECTION FROM A HOMESTEAD PROPERTY
20. I AM ASKING JUSTICE TO GIVE A WRIT OF REENTRY INTO MY PROPERTY AS ANKUS LLC CANNOT PROVE A WRITTEN LEASE, OR ORAL AGREEMENT TO OBTAIN A WRIT

21. THE WRIT PER PCT 4 WAS IN THE WRONG STYLE AS ANKUS LLC HAD ME ASK FOR MY OWN WRIT OF POSSESSION TO PULL MYSELF OUT OF MY HOME
22. AS I SAID TO COMMISSION REPRESENTATIVE IF HE HAD A TITLE HE WOULD NOT BE HERE ASKING FOR A TITLE AGAIN
23. AS I SAID TO THE COMMISSION THERE WAS ONE CONSTABLE WHO WENT TO PCT 4 JACQUELINE MURRAY USING THE SAME ATTORNEY ANKUS LLC HOME AN HOMEOWNER TRIED TO HAVE HER PULLED OUT OF HER HOME. MS. MURRAY TOLD THE CONSTABLE SHE IS A HOMEOWNER NOT A TENANT OR RENTER. THE HOA WAS REVOKED BY THE CONTROLLER'S OFFICE AS IN MY CASE.
24. THE CONSTABLE HELD TO HIS OAK AND LEFT I WOULD LIKE TO KNOW WHO THE CONSTABLE WAS AS HE DID NOT BREAK HIS OAK
25. THESE CONSTABLE HAS VIOLATED THE OAK AND CAUSED INJURY AND ILLEGALLY DEPRIVED ME OF MY PROPERTY
26. DEFENDANT OWN REAL PROPERTY IN THE SUBJECT COMMUNITY COMMONLY KNOW AS 19510 BUCKLAND PARK DR., KATY, TX. 77749 (HEREINAFTER REFERRED TO AS THE "PROPERTY") AND MORE PARTICULARLY DESCRIBED AS SECTION 4 LOT 41, BLOCK 10, OF BEAR CREEK MEADOWS, SECTION 4
27. ON 01/11/2022 SMITH WAS EVICTED, BY ANGUS LLC JERRY SCHUTZA, USING A TITLE PROCESS NOT THE EVICTION PROCESS AFTER A FORECLOSURE. AS HE HAD NO TITLE USING PRECINCT 4 WHO IS NOT MY PRECINCT WHO DID NOT HAVE JURISDICTION TO BE ON SMITH PROPERTY, AS SHE IS PRECINCT 5
28. THIS IS A VIOLATION OF DUE PROCESS AS NO SERVICE WAS MADE IN 30 DAYS, NO 3-5 DAY NOTICE THIS IS AN ILLEGAL LOCKOUT AS A MATTER OF LAW.

29. SMITH HAS LIVED IN HER HOMESTEAD RESIDENT FROM 11/04/ 2005 HER RESIDENT OF 17 YEARS
30. WHICH CLEARLY STATES KEY WORDS “A JUSTICE COURT IN THE PRECINCT IN WHICH THE REAL PROPERTY IS LOCATED HAS JURISDICTION IN EVICTION SUITS”. INCLUDING FORCIBLE ENTRY AND DETAINER AND FORCIBLE DETAINER SUITS TO BE ON PLAINTIFF PROPERTY AT THE REQUEST OF ANKUS LLC ATTORNEY JERRY SCHUTZA .
31. SMITH, LIVES IN PCT 5 NOT PCT 4 WHO DOES NOT HAVE JURISDICTION AND VIOLATED SMITH CONSTITUTIONAL AND CIVIL RIGHTS, AND CAUSED INJURY.
32. SMITH IS DEMANDING JUSTICE AND ALL LOCKS ARE REMOVED OFF HER PROPERTY AND PCT 4 CONSTABLE IS NOT ALLOWED BACK ON HER PROPERTY AS THE HARRIS COUNTY SHERIFF ED GONZALEZ IS POSTED SIGN IN THE SUBDIVISION AS THE SHERIFF FOR HOMEOWNERS, PCT 5 IS HER PCT.
33. LOCKS ARE TO BE REMOVED AS HE PRESENTED HIMSELF AS A LANDLORD, NOT A TITLE OWNER, NOT A DEED OWNER, NO LEASE, NO CONTRACT, NO DEED. AS THIS IS AN ILLEGAL LOCKOUT AS A MATTER OF LAW. LOCKED SMITH OUT OF HER PROPERTY AS A MATTER OF LAW . PCT 4 USED A WRIT IN MY NAME SCWYANA SMITH, v. BEAR CREEK MEADOWS NOT ANKUS LLC THIS IS PER THE SHERIFF OFFICE IMPERSONATION AS A MATTER OF LAW
34. JERRY SCHUTZA SHOWS HIS NAME AS THE ATTORNEY FOR BEAR CREEK MEADOWS HE IS NOT THE ATTORNEY AS LISTED ON THE DOCUMENT TO PERFORM A LOCK OUT
35. WHERE THERE IS NO JURISDICTION ALL WRIT OF POSSESSION PCT 4 IS VOIDED SHOWS PCT 5 IS SMITH PCT WITH THIS ALL SMITH REQUEST SHOULD BE GRANTED

36. ANKUS LLC ATTORNEY JERRY SCHUTZA WAS NOTIFIED ACCORDING TO TENANT LANDLORD LAW AND FAIL TO RESPONSE TO REMOVING THE LOCKS SEE CERTIFIED MAIL EX6

37. I am afraid for my life as this attorney in the pass made a comment after leaving Judge Lashaun Williams Court # 3 directly outside "I cannot wait for them to drag your ass out of that house" He executed on his promise he is dangerous

38. HCDC does not have jurisdiction over PCT 4 constable, Tenant, or Renters only Justice Court withing the Jurisdiction has Jurisdiction over their own precincts, according to law it is illegal to do a lockout

39. No eviction order from any PCT4 court

40. Hearing order put in place by the judge July 14, 2022 took place in the 113 court more proof he is not Bear Creek Meadows Homeowners Association INC as listed on the Document to put locks on my home with his name Ankus LLC

#### AUTHORITY

41. Texas appellate courts have defined a cause of action as a plaintiff's right to relief and the defendant's act or omission that violates that right. *Krchnak v. Fulton*, 759 S.W.2d 524, 526 (Tex. App.--Amarillo 1988, writ denied) (citing *Stone Fort Nat'l Bank v. Forbes*, 126 Tex. 568, 91 S.W.2d 674, 676 (1936)). The right to a remedy for an injury is a constitutionally protected right's. Const. art. 1, § 13 (All courts shall be open, and every person for an injury done him, in his lands, goods, person or reputation, shall have remedy by due course of law).

42. "A trial court clearly abuses its discretion if `it reaches a decision so a arbitrary and unreasonable as to amount to a clear and prejudicial error of law.'" *Id.* at 839 (citing *Johnson v. Fourth Court of Appeals*, 700 S.W.2d 916, 917 (Tex.1985))

(orig.proceeding))“nor be deprived of life, liberty, or property, without due process of law; U.S. Constitution the court error and violated the fifth amendment.”

Sec. 15.0115. LANDLORD-TENANT. (a) Except as provided by another statute prescribing mandatory venue, a suit between a landlord and a tenant arising under a lease shall be brought in the county in which all or a part of the real property is located.

43. (b) In this section, "lease" means any written or oral agreement between a landlord and a tenant that establishes or modifies the terms, conditions, or other provisions relating to the use and occupancy of the real property that is the subject of the agreement.

44. Added by Acts 1995, 74th Leg., ch. 138, Sec. 2, eff. Aug. 28, 1995.

45. The only legal way to remove a tenant from a rental unit in Texas is for a landlord to win an eviction lawsuit (forcible entry and detainer suit) in court. Even after winning the lawsuit, **it is illegal for a landlord to take self-help measures to remove the tenant.**”

DISMISSED IN THE APPEAL COURT FROM PCT 5 09/21/2021

46. Request Ankus LLC attorney Jerry Schutza who is listed as Bear Creek Meadows Homeowners Association attorney in the notice posted on the door adhere to Texas Property code, Removal of property and exclusion of Residential Tenant codes, which I am not an Tenant and he had no right to remove property and all property is to be reinstall.

47. Plaintiff request Damage for illegal lockout of 20,000. JP court max

#### CAUSES OF ACTION

48. The tort of intentional infliction of emotional distress exists if the defendant acted with either extreme or outrageous conduct and intended to cause severe emotional distress to plaintiff or behaved with reckless disregard to emotional

state of plaintiff and the acts were the actual or proximate cause of the distress and severe emotional distress actually occurred

**B. Violation of the Texas State Eviction Laws**

**C. Violation Texas Property Code 24 Forcible Entry and Detainer**

1. I am afraid for my life as this attorney in the pass made a comment “I cannot wait for them to drag your ass out of that house” He executed on his promise

2. I am now suffering from high blood pressure as the last appointment it was 175 and went up to 220. I am under a large amount of stress that can kill me. The doctor had to run an EKG as this is very abnormal and fear due to this attorney unethical acts.

**I. Application for Temporary Restraining Order**

**II. Plaintiff request this temporary Restraining order**

On plaintiff property without jurisdiction by PCT 4 on the door that attorney , client do not come near Smith, nor any family members, or friends.

**III. Request that PCT 4 is not allowed near the premise**

**IV. Request PCT 4 adhere to the laws of the state of Texas and surrounding counties.**

The preceding paragraphs are incorporated by reference as if fully set forth at length.

Plaintiff's application for a temporary restraining order is authorized by Texas Rule of Civil Procedure 680.

- A. Plaintiff request the party is restrain by TRO and a permanent injunction is filed against this party for filing a writ of possession outside of jurisdiction of PCT 5.
- B. Plaintiff request the TRO and Injunction to stay away from plaintiff homestead property

- C. Plaintiff is requesting the harassment stops and if it does not legal criminal action will take effect
  - D. No final decision has been made by the 14<sup>th</sup> court of appeal and the locks are illegal and to be remove effective today
  - E. Request a locksmith is paid for by defendant of plaintiff choosing
  - F. Plaintiff ask for all relief and additional to what justice states.
3. It is probable that Plaintiff will recover from Defendant after a Jury trial on the merits, because Defendant has failed to comply with the Texas laws
4. This is a criminal act and I have filed against the attorney who obtained an illegal writ of possession in the HCDC using Judge Collier
5. Ankus received the writ in Scwyana Smith Name gave it to PCT 4 constable allegedly someone he knew Kenney Massey who does eviction only according to Chief John R. of PCT 4. Who also said they had no right to be on your property they are not my officer.
6. PCT 4 broke in my home illegally took all of my items out of my home without jurisdiction. At the Request of a Judge who did not have jurisdiction over tenants and renters
7. PCT 4 paid for one of their constables via Bear Creek Meadows Homeowners Association to sit outside my home for 24 hours while all my items, from 17 years sit in the rain. My degrees, Master In business, Master In public Policies, Lean Six Sigma Green Belt, Degree in Hebrew studies, Certified in Public Policies from Liberty University. All My furniture, clothes, kitchen items, furniture total cost over 200k
8. Plaintiff has no adequate remedy at law because the law presumes real property is unique (and therefore, damages to compensate for its loss are inadequate as a matter of law). Ro

**REQUEST FOR TEMPORARY INJUNCTION**

9. The preceding paragraphs are incorporated by reference as if fully set forth at length.

a. Plaintiff asks the Court to set his application for temporary injunction for a hearing and, after the hearing, issue a temporary injunction against Defendant.

**REQUEST FOR PERMANENT INJUNCTION**

10. The preceding paragraphs are incorporated by reference as if fully set forth at length.

11. Plaintiff asks the Court to set her application for permanent injunction for a hearing

and, after the hearing, issue a temporary injunction against Defendant.

12. Plaintiff has joined all indispensable parties under Texas Rule of Civil Procedure.

13. Plaintiff respectfully requests that this Court issue A writ of reenter back into her home as soon as today, as it violates the Tenant/Renter Landlord rights. This is not part of the 14 court of appeal as it has not been filed with them, since I met with the Justice of PCT 4 and PCT 5 who said they do not have jurisdiction as it is criminal.

14. The Judge order is voided as she cannot issue a writ of possession for Tenant or renters the order is outside her immunity as a judge for a district court who does not have jurisdiction for Tenant or renters.

15. The property code states out side jurisdiction it must be dismissed.

16. As I stated to commissioner Cagel Representative they did not have jurisdiction as PCT 5 is three doors down filed an eviction for homeowners in the JP court why is PCT 4 on my property

17. Plaintiff request 3.3 Million dollars, for damages, duress, injuries, violation of jurisdiction.

18. For negligence after meeting with the county commissioner court two weeks before this took place.

19. I want the commissioners to answer to why I was pulled out my homestead illegally.

20. Also, the writ was illegal as it was pass the 90 days, it was a continue from 09/27/2021 expired 12/27/2021 enforce 01/11/2022

21. I have tried to meet with Judge Hildaligo and was told to file a claim. I asked where is the form. No person could find the form. Told me to go to Harris County Real Property. Spoke to a supervisor in Harris County Real Property was informed they do not have claims I would have to file a lawsuit

#### Cause of Action

22. Violation of Jurisdiction, Criminal Trespass, Homestead Exemption rights violated, Homeowner, not a tenant or renter rights violated. Assaulted by Pct 4, intent to deceive stole property using an illegal writ and judgment. Knew I was a home owners

#### Damages

5.5 Million trial by jury

#### Prayer

Based on the foregoing, Plaintiff respectfully requests that this Court issue A writ of reenter back into her home as soon the Temporary

Restraining Order and injunction against PCT 4 as sought herein to remove the locks off plaintiff property prevent any additional harm to Plaintiff Homestead, and bodily injuries.

Respectfully submitted,

Scwyana Smith  
Pro SE  
Scwyana Smith  
19510 Buckland Park Drive  
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Scwyana\_Smit@yahoo.com